

AMG

12-29-83

CL re!

- Planning Report - Chadwick
- Engineering Report - Faltrecht
- Engineering Report - Coe

Pgs. 20

AM00113E

## KUNZMAN, COLEY, YOSPIN &amp; BERNSTEIN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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Please Refer to:  
 Our File No. W95

29 December 1983

Honorable Eugene D. Serpentelli  
 Ocean County Court House-CN 2191  
 Toms River, New Jersey 08753

Re: AMG, et als v. Warren Township, et als

Dear Judge Serpentelli:

Enclosed are the following three supplemental experts' reports in the above matter:

- 1) Planning Report, John Chadwick
- 2) Engineering Report, Stanley Kaltnecker
- 3) Engineering Report, James Coe

*study of fair share based on  
 better formula in the  
 case*

I will also provide a supplemental report from Mr. Christ, Traffic, before trial.

Very truly yours,

*[Signature]*  
 JOHN E. COLEY, JR.

JEC:g

enclosures

ccs: John T. Lynch, Esq.  
 Eugene W. Jacobs, Esq.  
 Joseph E. Murray, Esq.  
 J. Albert Mastro, Esq.  
 Raymond E. Trombadore, Esq.  
 Leib, Kraus & Gripsin, Esqs.



M E M O R A N D U M

TO: John E. Coley, Jr., Esq.  
FROM: James G. Coe  
SUBJECT: Drainage Considerations, Warren Township  
Block 619, Lots 19A, 34-40, 42, and 43  
DATE: December 28, 1983

Further to my memorandum dated November 16, 1983, I have reviewed the above referenced properties to advise you of any special drainage considerations and the potential effects resulting from the development of the tract consisting of these properties.

The natural drainage divide between the Passaic and Raritan Rivers bisects this tract generally along a diagonal from the southwestern corner to the northeastern corner. The southern and eastern portion of the tract, abutting Interstate Route 78 and Hillcrest Road, is tributary to the Raritan River by way of Stony Brook. The northern and western portions of the tract are tributary to the Passaic River via two tributaries, each of which drains approximately half the area tributary to the Passaic River.

The existing drainage conditions along the two streams tributary to the Passaic River are similar. Our 1976 report noted severe erosion conditions along these streams. It also noted that the areas tributary to these streams were almost fully developed and advised that modifying the development zoning to provide lower density zoning would only provide a nominal improvement in the estimated future peak rates of runoff with full development. It further advised, however, that because of the already inadequate downstream culverts and severe erosion problems, even a relatively minor increase in runoff could have an appreciable effect and general worsening of drainage and erosion conditions. The report addressed the steeply sloped undeveloped land which exists to the west of Hillcrest Road and recommended that development not be permitted in areas where the slope is greater than 15 percent. With respect to the subject tract, generally the area within the Passaic River Basin has slopes less than 15 percent with the exception of a small portion in the northwestern corner of the tract where the slope exceeds 15 percent.

The portion of the tract which is tributary to the Raritan River contains land with extremely steep slopes. Slopes in excess of 30 percent exist, and a large portion has a slope of 15 percent or more. The land closest to the intersection of Interstate Route 78 and Hillcrest Road is more mildly sloped, generally less than 10 percent. Drainage from this portion of the tract crosses under Interstate Route 78 and flows into Stony Brook which passes through existing developed residential areas in Warren Township.



## MEMORANDUM

To John Coley, Esq. Warren Township Date December 28, 1983From Stanley P. KaltneckerSubject REVIEW OF ENGINEERING FEASIBILITY STUDY FOR TIMBER PROPERTIES, INC.

Job No. \_\_\_\_\_

An Engineering Feasibility Report was prepared for Timber Properties, Inc. by Thomas J. Olenik. The following comments are offered on Chapter 7 "Disposal of Sanitary Sewage".

Paragraph "c" indicates that the remaining plant capacity, aside from Chubb, is based upon zoning requirements of one unit of housing to each 1.5 acres. This statement requires correction in that there is also a significant amount of commercial land provided for in the Stage V capacity in addition to residential land.

Paragraph "e" states that the plant could be expanded to handle a flow of 760,000 gpd or double its current capacity. It is also stated that it is assumed that an expanded plant will be required to maintain the same high level degree of treatment and this requirement will not prove to be any impediment to obtaining approval from NJDEP. It is pointed out that the Upper Passaic River Basin EIS population and flow projections provide for 530,000 gallons per day of wastewater from the service area to reach the Dead River after treatment by the Stage V plant. The Dead River also receives effluent from the Bernards Township Sewerage Authority Wastewater Treatment Plant which is located upstream of the Stage V plant. The Dead River is a sluggish stream with low flows during dry weather and as such can receive just so much treated sewage effluent. To exceed the effluent quantity (530,000 gallons per day), established in the EIS may not be allowed by the NJDEP.

My memorandum of November 16, 1983 assumed 450 units on this tract compared to 40 units provided for in the Stage V plant in accordance with present zoning. This engineering report proposes 850 units. The EIS provided for wastewater from about 1,900 equivalent units of which 1,350 units are already subscribed to in the Stage V plant, leaving 550 units for development of the remaining service area in accordance with present zoning. The proposed 850 units would exceed the projections in the EIS.

WARREN TOWNSHIP HOUSING STUDY

SUPPLEMENTARY ANALYSIS

Prepared for the

TOWNSHIP OF WARREN

by

E. EUGENE OROSS ASSOCIATES

PROFESSIONAL PLANNING,

ENVIRONMENTAL CONSULTANTS

and

LANDSCAPE ARCHITECTS

DECEMBER 1983

## INTRODUCTION

Warren Township is located in the northeast corner of Somerset County. In 1982, Judge Meredith of the Somerset County Superior Court ruled that the Township's Zoning Ordinance must be revised to provide for housing affordable to low and moderate income households. This decision was, of course, rendered prior to the now much publicized New Jersey Supreme Court Mt. Laurel II decision.

A report was prepared detailing the projected housing obligation for low and moderate income households for Warren Township in November of 1983. The report has been filed with the Court, Township Committee and Planning Board of Warren Township. The report was formulated based upon the concept of a housing region being a direct function of work-commute travel patterns.

Subsequent to preparation of the above cited report, other studies and reports have been published. Studies of particular relevance to the issues associated with the AMG-Skytop Inc. and others vs. Warren Township case are the following:

- a. Fair Share Allocation report prepared for Honorable Eugene D. Serpentelli, J.S.C. by Carla L. Lerman dated November 1983 (35 pages plus appendix).
- b. Mt. Laurel II report prepared by The Rutgers University Center for Urban Policy Research (429 pages).

c. Mahwah Township Fair Share Housing Report prepared for: Honorable Harvey Smith J.S.C. by Clarke and Caton dated July 1983.

In context with the above reports, further analysis of the Warren Township housing obligation has been made. The following analysis and comment is provided as a prospective and supplemental study.

The purpose of this supplemental study is not to void prior submission. There can be no issue of the direct relationships of a substantial proportion of the Mt. Laurel housing obligation to job opportunities, when one considers the suburban and urban growth pattern of New Jersey in geographic relationship to the metropolitan job centers of New York and Philadelphia. The validity of this concept is self-evident.

WARREN TOWNSHIP HOUSING OBLIGATION ANALYSIS-COMPARISON TO FAIR SHARE ALLOCATION REPORT BY CARLA L. LERMAN, NOVEMBER 1983

The housing region set forth within the Fair Share Allocation Report prepared by Carla L. Lerman places Warren Township in the "south metro" region. That region consists of six counties. The Lerman report sets forth a formula for determination of the existing and prospective housing need for all municipalities located within the region as established by the above cited report. The formula for determination of housing need is based upon the reallocation of existing physical need from the Newark and Hudson County core area to the entire region as well as the housing need generated from employment, ratables and land area of the municipality. The rationale for the formula is set forth and is on file with the court.



CALCULATION OF WARREN TOWNSHIP EXISTING AND PROSPECTIVE HOUSING  
NEED BASED UPON LERMAN FORMULA

The formula set forth in the Lerman report for existing housing need contained forth in pgs. 22-35 of the report. Submitted hereafter is a calculation for Warren Township utilizing precisely the same methodology as set forth in that report.

Table I

Warren Township  
Existing and Prospective Housing Obligation  
Calculated in accordance with Lerman formula

Present obligation (Lerman formula)

1980 total occupied housing units	2999
Present deficiencies	25 units
Share of excess deficiencies from core area	146
Total present obligation	171

Source: U.S. Census of Housing and Carla Lerman Report 11/83.

Calculations: E. Eugene Oross Associates

Prospective obligation (Lerman formula)

Percent of South Metro increase in covered employ.	+	Percent of South Metro increase in comm/indust. ratables	+	Percent of South Metro Vacant Devel. "Growth" Area	$\frac{.}{.3}$	=	Percent of South Metro Prospective Need
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Source: Lerman Report pp. 27.

$$\frac{.87\% \& .44\% + .35\%}{3} = .55\%$$

.55% x 57,100 = 314 units (prospective ten year housing obligation)

Total fair share obligation equals 485 units.

Calculations: E. Eugene Oross Associates

Table I shows the total fair share obligation for Warren Township calculated in accordance with the concepts and formulas set forth in the Lerman report referenced herein. Utilizing that formula results in a total fair share obligation of less than calculated under the formula and concepts set forth in prior report by this consultant.

WARREN TOWNSHIP FAIR SHARE HOUSING OBLIGATION-COMPARISON TO MT. LAUREL II REPORT BY CENTER FOR URBAN POLICY RESEARCH DATED DECEMBER 1983

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The Rutgers University Center for Urban Policy Research prepared the above cited report. This report contains the definition of Mt. Laurel housing region, existing and prospective housing need.

Warren Township is located within the West-Central region as established by the above cited report. This region consists of Hunterdon, Middlesex, Somerset and Warren counties.

The Rutgers Mt. Laurel II study also sets forth definitions of existing housing need as well as prospective housing need. These definitions are contained on page 91 of that report and are included within the appendix of this report.

The Rutgers Mt. Laurel II study estimates the existing and prospective housing need for each region. The study does not provide a calculation of existing and prospective need for individual municipalities.

This consultant has applied the Lerman report formula for determination of existing and prospective housing need to the data base for the West-Central Region developed under the Mt. Laurel II study by Rutgers. Applying the Lerman formula results in a total (existing and prospective) housing obligation of 227 dwelling units for the next ten year period.

WARREN TOWNSHIP FAIR SHARE HOUSING OBLIGATION-COMPARISON TO  
CLARKE AND CATON REPORT

A report prepared by Mr. Caton has been reviewed and thereafter a housing obligation computed for Warren Township has been prepared. The above cited report was submitted to the Honorable Stephen Skillman J.S.C. by the New Jersey Department of Public Advocate on October 28, 1983. This same report was accepted by the Honorable Judge Smith in his decision pertaining to the Urban League of Essex County vs. Township of Mahwah.

Utilizing the formula set forth in the Caton report, the total housing obligation of Warren Township is calculated at 650 to 675 dwelling units. The range is a result of rounding to the nearest one-thousandth or ten-thousandths of a percent.

The calculated housing obligation utilizing the Caton formula results in a total obligation to Warren Township of approximately 125 to 150 units more than calculated by Oross Associates.

APPENDIX

Item 1 - Pgs. 91, 279, 285, 316

Source: Mount Laurel II Report: Challenge and Delivery of Low Cost Housing; Center For Urban Policy Research; 1983.

Item 2 - Maps:

1. Lerman South Metro region.
2. Rutgers West Central region.
3. Caton region.

supply projections which include some oversupply for non-Mount Laurel income groups will further reduce pressure from the market as more luxurious housing is passed down to lower income groups.

Finally, at the other end of the high rent-to-income scale, are very small one and two person families living as subfamilies which are a part of the aggregate Mount Laurel income-constrained population. Their incomes are so low that they make any rent-to-income ratio extremely high. In terms of the future ability to house these families, even filtering and rehabilitation might be beyond their means and they might best remain as subfamilies in private house-sharing relationships. This is a segment of the population whose support would require massive subsidization from general revenues and thus is outside the purview of this study.

#### THE DEFINITION OF PRESENT AND PROSPECTIVE HOUSING NEED

The foregoing discussion considered the conceptual origins of defining an underhoused population and related this to the statements and concerns of the Court. As such we define present or existing\* Mount Laurel housing need as: income-constrained Mount Laurel households occupying deficient housing.

Housing market regions have been defined which minimize existing journey-to-work as over 88 percent of households who work in a region also live there. Current Mount Laurel purely income-constrained households that are in the labor force and commute within the region do so in less time than the New Jersey population at large. Those who commute out of and live inside the region are balanced by those who live outside and commute in. As their income and rental profiles are relatively similar, if those who commute outside chose to live inside, theoretically there is housing space at a price to accommodate them.

Prospective Mount Laurel housing need is defined as income-constrained households of the future. These are households which, since 1980, are formed due to natural increase in or migration to their defined housing region. This need reflects not deteriorated housing as of 1980 but rather low and moderate income households which will require housing due to population shifts and family growth subsequent to 1980. This need is projected for twenty years into the future using aggregate population projections of the New Jersey Department of Labor. They account for both low- and moder-

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\*Indigenous need is a geographic rather than temporal term which reflects housing need created by situations occurring within the specific geographic location. The term "indigenous" literally means "occurring naturally in an area - not introduced." Indigenous need as used by the Court is a term which relates to a municipality and allocation and as such does not appear elsewhere in this report. It is a term which in addition to subregional versus regional applicability, is particularly difficult to isolate due to the nature of both present and prospective need data bases.

EXHIBIT 5-13

UNANSWERED MOUNT LAUREL PRESENT HOUSING DEMAND 1980-1990 WEST CENTRAL REGION

	MODERATE INCOME (50-80% of Median)			LOW INCOME (Below 50% of Median)			Total
	1-2 Person	3-4 Person	5 or more Persons	1-2 Person	3-4 Person	5 or more Persons	
Unhoused	20	90	40	0	20	20	190
Not Housed	700	370	400	1,560	640	400	4,070
Total	720	460	440	1,560	660	420	4,260

REQUIRED HOUSING FOR THOSE NOT HOUSED

Unit Size	2-3 Room	4-5 Room	6 or more Rooms	2-3 Room	4-5 Room	6 or more Rooms	Total
Number of Units	700	370	400	1,560	640	400	4,070
Cost (1983 Dollars)							
90th Percentile	420	540	580	250	315	380	
Median	340	470	520	190	240	260	
10th Percentile	275	350	425	120	150	170	

Source: Rutgers University, Center for Urban Policy Research, Winter 1983.



EXHIBIT 5-19

UNANSWERED MOUNT LAUREL PROSPECTIVE HOUSING DEMAND 1980-1990 WEST CENTRAL REGION

	<u>MODERATE INCOME</u> (50-80% Median)			<u>LOW INCOME</u> (Below 50% of Median)			Total
	1-2 Person	3-4 Person	5 or more Persons	1-2 Person	3-4 Person	5 or more Persons	
Housed	569	811	278	8	46	7	1,719
Not Housed	4,271	1,962	882	9,638	2,683	847	20,283
Total	4,840	2,773	1,160	9,646	2,729	854	22,002

REQUIRED HOUSING FOR THOSE NOT HOUSED

Unit Size	2-3 Room	4-5 Room	6 or more Rooms	2-3 Room	4-5 Room	6 or more Rooms	Total
Number of Units	4,271	1,962	882	9,638	2,683	847	20,283
Rent (1983 Dollars)							
90th Percentile	435	555	610	270	330	390	
Median	350	460	520	190	265	280	
10th Percentile	280	365	420	125	170	180	

Source: Rutgers University, Center for Urban Policy Research, Winter 1983.

EXHIBIT 5A-3

PRESENT AND PROSPECTIVE MOUNT LAUREL HOUSING DEMAND  
 "NOT HOUSED" BY CONVENTIONAL SOURCES OF SUPPLY - 1980 to 2000

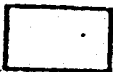

	STATEWIDE	NORTHEAST REGION 1	NORTHWEST REGION 2	WEST CENTRAL REGION 3	EAST CENTRAL REGION 4	SOUTHWEST REGION 5	SOUTH-SOUTHWEST REGION 6
(All Re- gion Total)	Bergen Hudson Passaic	Essex Morris Sussex Union	Hunterdon Middlesex Somerset Warren	Monmouth Ocean	Burlington Camden Gloucester Mercer	Atlantic Cape May Cumberland Salem	
Present Demand "Not Housed" (Housing Deficient- Income-Constrained)							
<u>1980 Demand</u> <u>"Not Housed"</u>	99,166	40,204	26,551	8,091	4,781	12,366	7,173
50-80%	22,339	7,646	5,654	2,890	980	3,036	2,133
<50%	76,827	32,558	20,897	5,201	3,801	9,330	5,040
Prospective Demand "Not Housed" (Purely Income-Constrained)							
<u>1980-1990 Demand</u> <u>"Not Housed"</u>	118,561	4,874	5,223	20,283	40,679	30,945	16,557
50-80%	40,864	726	1,954	7,115	15,582	9,651	5,836
<50%	77,697	4,148	3,269	13,168	25,097	21,294	10,721
<u>1990-2000 Demand</u> <u>"Not Housed"</u>	81,619	NA*	1,029	11,037	34,988	21,776	12,789
50-80%	26,969	NA*	218	2,921	13,227	6,296	4,307
<50%	54,650	NA*	811	8,116	21,761	15,480	8,482

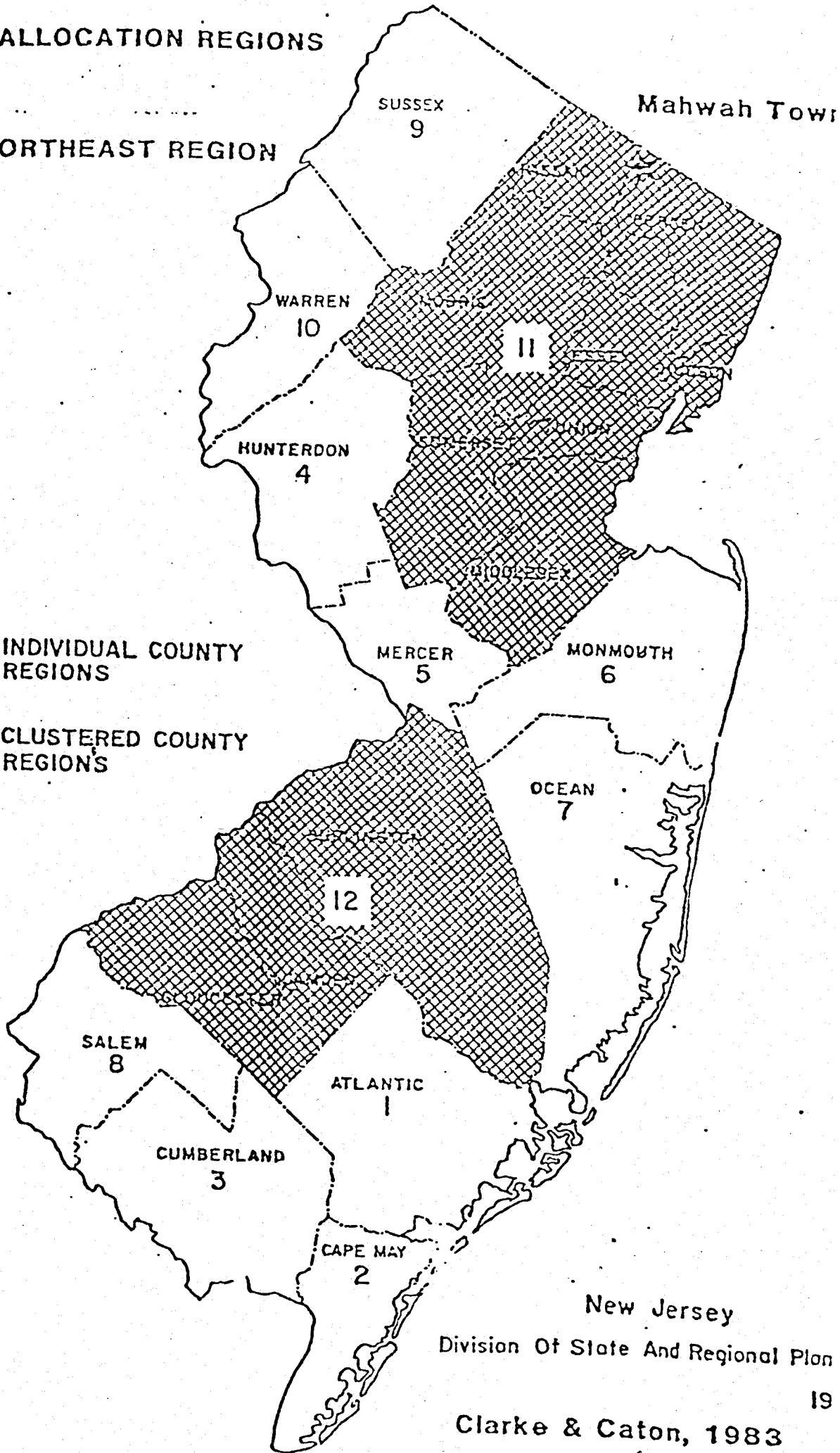
Household loss in this region for this time period.

University, Center for Urban Policy Research Projections, Winter 1983.

# USING ALLOCATION REGIONS

## \*11 NORTHEAST REGION

-  INDIVIDUAL COUNTY REGIONS
-  CLUSTERED COUNTY REGIONS










New Jersey  
Division Of State And Regional Plan

Clarke & Caton, 1983





# STATE DEVELOPMENT GUIDE PLAN CONCEPT MAP

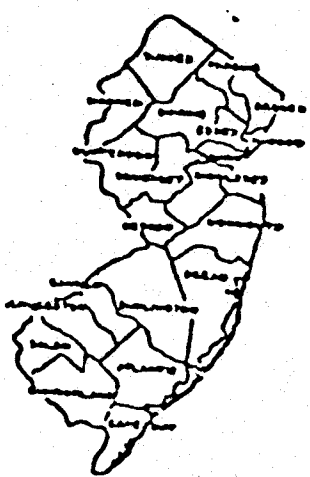
Map  
TWI

## NORTHEAST REGION

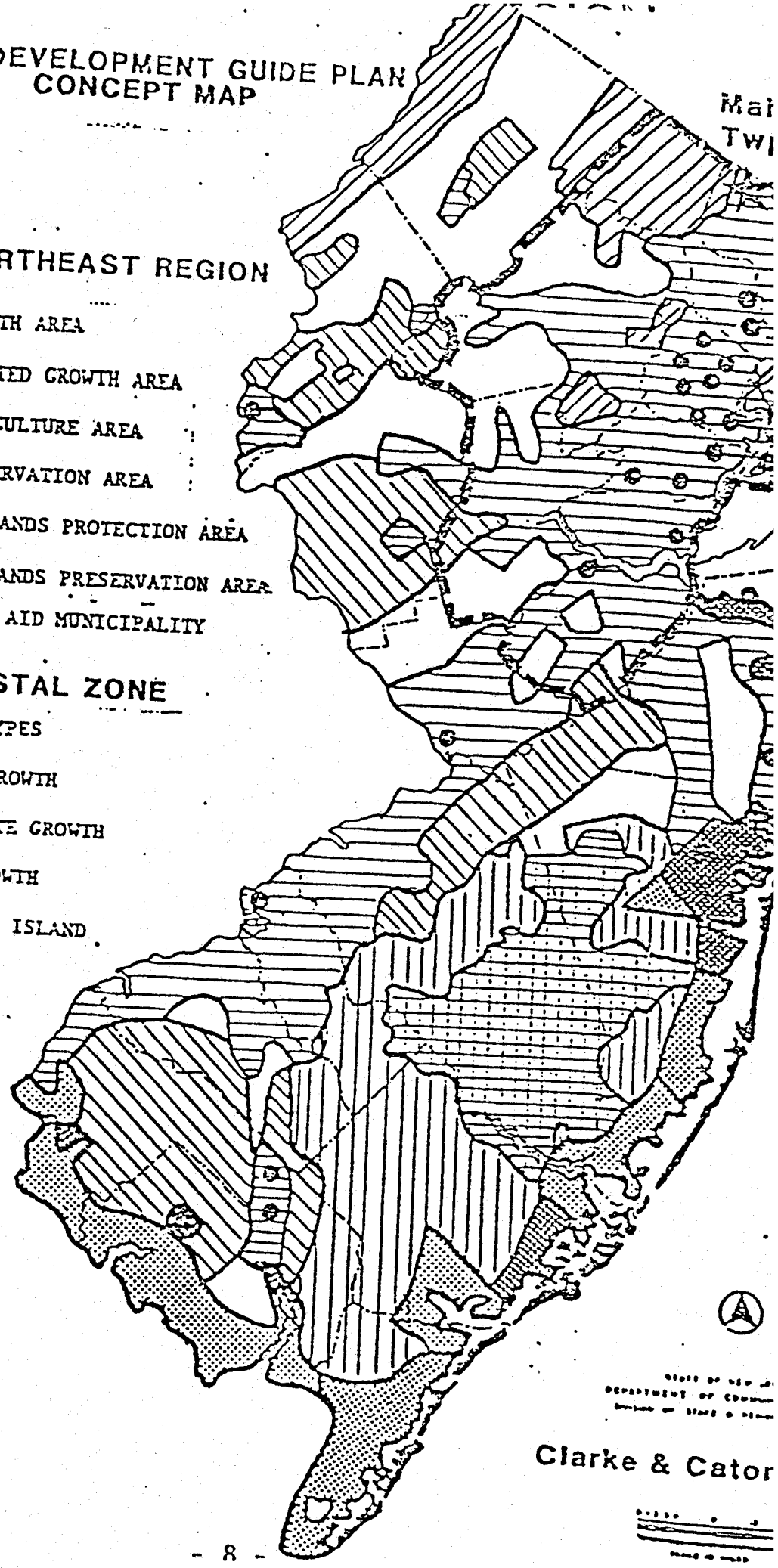
-  GROWTH AREA
-  LIMITED GROWTH AREA
-  AGRICULTURE AREA
-  CONSERVATION AREA
-  PINELANDS PROTECTION AREA
-  PINELANDS PRESERVATION AREA
-  URBAN AID MUNICIPALITY

## COASTAL ZONE

- REGIONAL TYPES
-  HIGH GROWTH
  -  MODERATE GROWTH
  -  LOW GROWTH
  -  BARRIER ISLAND

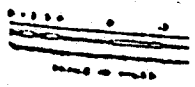


COUNTY KEY MAP



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
BUREAU OF STATE PLANNING

Clarke & Cator



# MIDDLESEX COUNTY HOUSING REGION: MT. LAUREL DOCTRINE

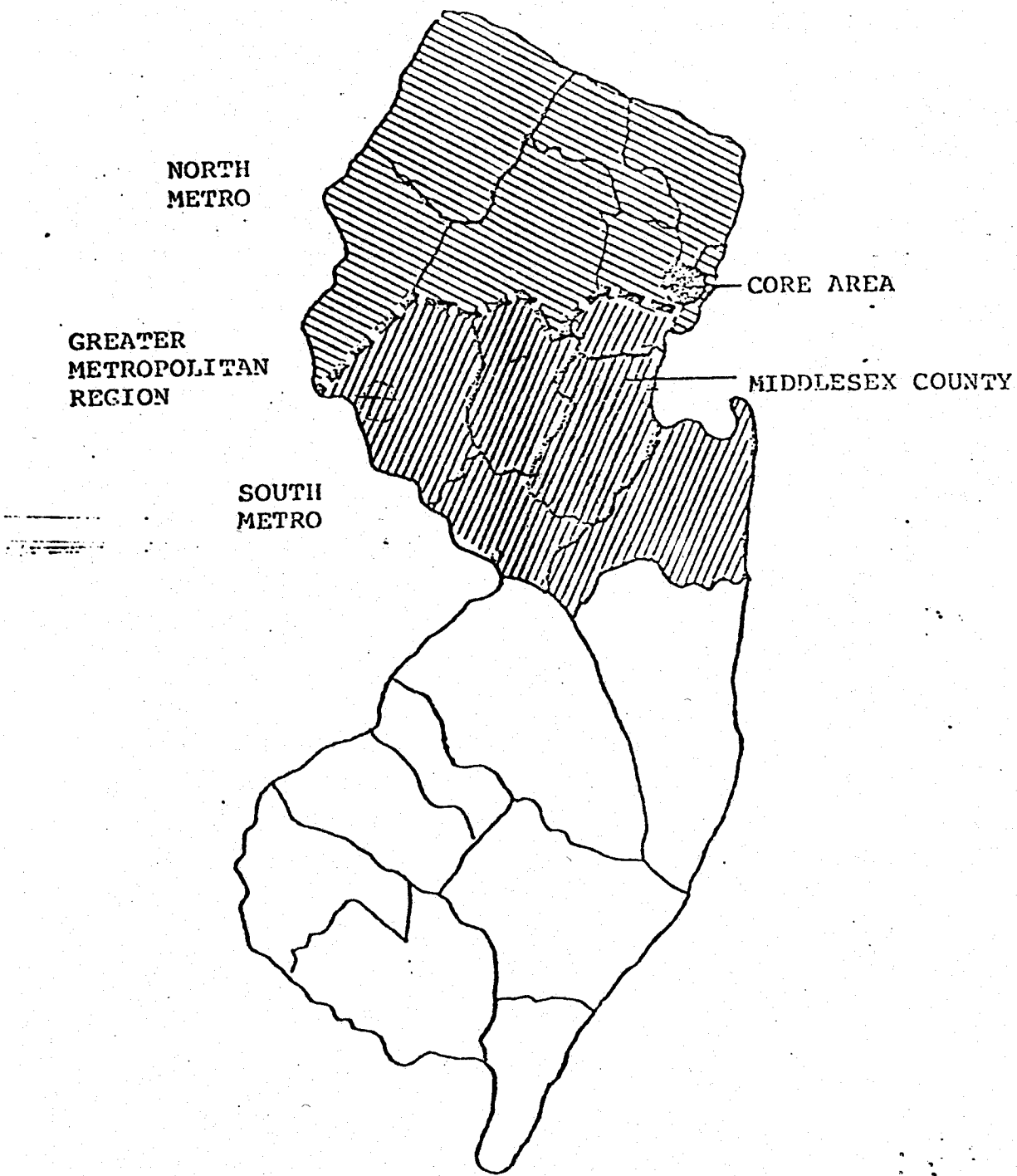
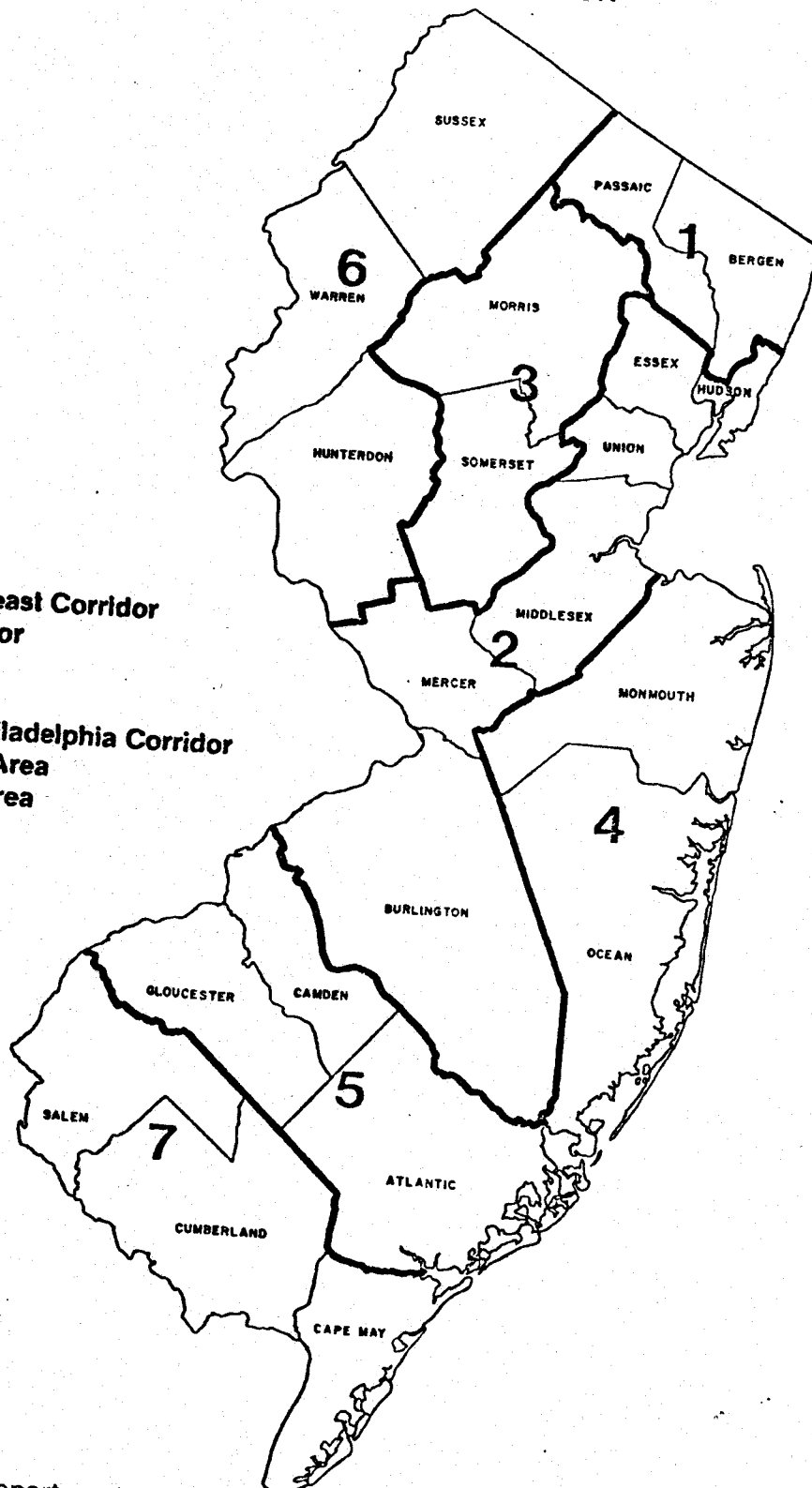


EXHIBIT 1A-2

TRANSPORTATION REGIONS IN NEW JERSEY  
NEW JERSEY TRANSPORTATION STUDY COMMISSION



- 1. Suburban Northeast Corridor
- 2. Northeast Corridor
- 3. Central Corridor
- 4. Shore Corridor
- 5. Atlantic City - Philadelphia Corridor
- 6. Rural Northwest Area
- 7. Rural Southern Area

Source: New Jersey Department of Transportation  
Long Range Plan  
(Surface Passenger Transportation Element)  
Trenton, N.J., NJDOT, 1982